



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/625,446	07/22/2003	Timothy D. Reiersen	RE15.P01	7962

21792 7590 03/21/2005

STRATTON BALLEW
213 S 12TH AVE
YAKIMA, WA 98902

EXAMINER

HSIEH, SHIH YUNG

ART UNIT PAPER NUMBER

2837

DATE MAILED: 03/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/625,446

Applicant(s)

REIERSON, TIMOTHY D.

Examiner

Shih-yung Hsieh

Art Unit

2837

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 March 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 13, 14, 17, 18 and 21-37 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 13, 14, 17, 18, 21 and 22 is/are allowed.
- 6) ☒ Claim(s) 23, 24, 31, 32, 36 and 37 is/are rejected.
- 7) ☒ Claim(s) 25-30, 33-35 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 23, 24, 31, 32, 36, and 37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wolfson (5,977,462) in view of Ravagni et al. (5,920,023).

Regarding claims 23, 31 and 36, Wolfson discloses the claimed invention except that at least three of the position markers of said array have user discernable characteristics that are different from each other.

Ravagni et al. teach at least three of the position markers (14s in Fig. 1) of said array have user discernable characteristics that are different from each other (col. 7, lines 43-46). It would have been obvious to one having ordinary skill in the art to modify Wolfson's fingerboard as taught by Ravagni et al. to include at least three of the position markers of said array have user discernable characteristics that are different from each other for the purpose of providing a guide for a specific chord (col. 7, lines 45-46).

Regarding claims 24, 32, and 37, Wolfson discloses the claimed invention.

3. Claims 25-30, and 33-35 objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

4. Claims 13-14, 17-18, 21-22 are allowed.

5. The claims are allowable over the prior art for at least the reason that the prior art fails to reasonably teach or suggest in claim 25 that the position marker for the third note of the individual major pentatonic scale is a third user discernable characteristic; the position marker for the fourth note of the individual major pentatonic scale is a fourth user discernable characteristic; the position marker for the fifth note of the individual major pentatonic scale is a fifth user discernable characteristic; in claim 26 that the position marker for each note A is a third user discernable characteristic; the position marker for each note D is a fourth user discernable characteristic; the position marker for each note G is a fifth user discernable characteristic; in claim 28 that the position marker for each note F#/Eb is a third user discernable characteristic; the position marker for each note G#/Ab is a fourth user discernable characteristic; the position marker for each note A#/Bb is a fifth user discernable characteristic; in claim 29 that the same reason as claim 13; in claim 33 that the position marker for the third note of the individual major scale is a third user discernable characteristic; the position marker for the fourth note of the individual major scale is a fourth user discernable characteristic; the position marker for the fifth note of the individual major scale is a fifth user discernable characteristic; the position marker for the sixth note of the individual major scale is a sixth user discernable characteristic; the position marker for the seventh note of the individual major scale is a seventh user discernable characteristic; and in claim 34 that the position marker for each note E is a third user discernable characteristic; the

position marker for each note F is a third user discernable characteristic; the position marker for each note G is a fourth user discernable characteristic; the position marker for each note A is a fifth user discernable characteristic; as set forth in the claimed combination.

6. Applicant's arguments with respect to claims 23-37 have been considered but are moot in view of the new ground(s) of rejection.

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shih-yung Hsieh whose telephone number is 571-272-2065. The examiner can normally be reached on 7:00-3:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Martin can be reached on 571-272-2107. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

syh


SHIH-YUNG HSIEH
PRIMARY EXAMINER